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14 | *Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

19 SIDNEY SCHOLL and FELTON A.
20 SPEARS, JR., on behalf of themselves and
all others similarly situated,

CASE NO.: 5:08-CV-00868 RMW

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER
RE: MOTION FOR ADMINISTRATIVE
RELIEF**

21
22

22 | v.

23 WASHINGTON MUTUAL BANK, FA (aka
24 WASHINGTON MUTUAL BANK); FIRST
25 AMERICAN EAPPRAISEIT, a Delaware
corporation; and LENDER'S SERVICE,
INC..

Defendants.

1 WHEREAS, on May 2, 2008, the Defendants Washington Mutual Bank, FA (a/k/a
 2 Washington Mutual Bank) ("WMB"), and First American eAppraiseIT ("EA") filed Motions to
 3 Dismiss which included two memorandums of points and authorities totaling 45 pages collectively;

4 WHEREAS, Civil L.R. 7-3(a) provides that Plaintiffs may submit two Opposition Briefs of
 5 25 pages each in response to Defendant WMB's and Defendant EA's Motions to Dismiss;

6 WHEREAS, each of the briefs of WMB and EA make a number of similar arguments;

7 WHEREAS, it would be most efficient for Plaintiffs to respond to the two briefs of WMB
 8 and EA in one single brief;

9 WHEREAS, Defendants agree Plaintiffs may file a single 40 page brief to collectively
 10 respond to WMB's and EA's briefs, rather than two separate 25 page briefs as allowed by Civil L.R.
 11 7-3(a);

12 WHEREAS, Plaintiffs agree that this stipulation is not to be construed as waiving the rights
 13 of Defendants to file separate Reply briefs in response to Plaintiffs' single Opposition brief in
 14 accordance with L.R. 7.3(c).

15 IT IS HEREBY STIPULATED by the Plaintiffs, WMB and EA, by and through their
 16 undersigned counsel, that:

- 17 (1) In response to Defendant WMB's and Defendant EA's Motions to Dismiss, Plaintiff
 18 may file a single opposition motion.
- 19 (2) Defendants WMB and EA agree that the single opposition motion may exceed the 25
 20 page limit for single brief as long as it does not exceed 40 pages.

22 Dated: June 19, 2008

LAW OFFICES OF JANET LINDNER SPIELBER

23 By:

/s/ Janet Lindner Spielberg
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Atorneys for Plaintiffs

1 Dated: June 19, 2008

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2 By:

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Attorneys for Defendant
Washington Bank Bank FA

9 Dated: June 19, 2008

10 THACHER PROFFITT & WOOD

11 By:

/s/ Jeffrey D. Rotenberg

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19 Attorneys for Defendant
20 First American eAppraiseIT

21 **[PROPOSED] ORDER**

22 PURSUANT TO THE PARTIES' STIPULATION, THE COURT HEREBY ORDERS AS
23 FOLLOWS:

24 (1) Plaintiffs may file a single brief in opposition to Defendant EA's and Defendant
25 WMB's motions to dismiss.
26 (2) Plaintiffs aforementioned brief may exceed the ordinary page limit of 25 pages but
27 may not exceed 40 pages.
28 (3) This stipulation is not to be construed as waiving the rights of Defendants to file
separate Reply briefs in response to Plaintiffs' single Opposition brief in accordance
with L.R. 7.3(c).

Dated: _____, 2008

2 Hon. Ronald M. Whyte
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
SS.:)

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 12304 Santa Monica Boulevard, Suite 109, Los Angeles, CA 90025.

On June 19, 2008, using the Northern District of California's Electronic Case Filing System, with the ECF ID registered to Michael D. Braun, I filed and served the document(s) described as:

**STIPULATION AND [PROPOSED] ORDER RE: MOTION FOR
ADMINISTRATIVE RELIEF**

The ECF System is designed to automatically generate an e-mail message to all parties in the case, which constitutes service. According to the ECF/PACER system, for this case, the parties served are as follows:

Christopher J. Clark, Esq.	cjclark@dl.com
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Kevin C. Wallace, Esq.	kwallace@dl.com

1 On June 19, 2008, I served the document(s) described as:

2 **STIPULATION AND [PROPOSED] ORDER RE: MOTION FOR**
3 **ADMINISTRATIVE RELIEF**

4 by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

5 Kerry Ford Cunningham, Esq.
6 Patrick J. Smith, Esq.
7 THACHER PROFFITT & WOOD LLP
8 Two World Financial Center
9 New York, NY 10281

10 I served the above document(s) as follows:

11 BY MAIL. I am familiar with the firm's practice of collection and processing
12 correspondence for mailing. Under that practice it would be deposited with U.S. postal service on
13 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of
14 business. I am aware that on motion of the party served, service is presumed invalid if postal
15 cancellation date or postage meter date is more than one day after date of deposit for mailing in an
affidavit.

16 I am employed in the office of a member of the bar of this Court at whose direction the
17 service was made.

18 I declare under penalty of perjury under the laws of the United States that the above is true
19 and correct.

20 Executed on June 19, 2008, at Los Angeles, California 90025.

21

22 /S/ **LEITZA MOLINAR**
23 Leitzza Molinar